

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

DONTRELL DE' SHAY COLEMAN PETITIONER
V. CIVIL ACTION NO. 5:23-cv-90-DCB-LGI
WARDEN HERBERT YOUNG RESPONDENT

ORDER

This MATTER is before the Court on Magistrate Judge Isaac's Report and Recommendation ("Report") [ECF No. 20], concerning Dontrell De'Shay Coleman ("Petitioner")'s petition for writ of habeas corpus relief under 28 U.S.C. § 2241. The Report was entered on June 28, 2024, and objections to it were due by July 12, 2024. Neither party has filed an objection, and the time to do so has elapsed.

Judge Isaac recommends that the matter be dismissed for Petitioner's failure to state a claim upon which relief can be granted and for failure to exhaust state remedies. [ECF No. 20]. Specifically, the Magistrate Judge shows that Petitioner seeks relief under § 2241 that would prevent the State from proceeding in its prosecution. Id. at 4. Judge Isaac also declares that Petitioner has yet to present his claims to the Mississippi Supreme Court for consideration in order to satisfy the exhaustion requirement. Id. at 5.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Where there are no objections, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review to the Report. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989).

After conducting a de novo review of the Report [ECF No. 20], the Court agrees with Judge Isaac's recommendation. Accordingly, the Report [ECF No. 20] is hereby ADOPTED and Petitioner's claims against Warden Herbert Young are DISMISSED WITHOUT PREJUDICE.

A Final Judgment shall be entered of even date herewith pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this 22nd day of July, 2024.

/s/ David Bramlette
DAVID C. BRAMLETTE III
UNITED STATES DISTRICT JUDGE